IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MACON COUNTY INVESTMENTS, INC.; REACH ONE, TEACH ONE OF AMERICA, INC.,

Plaintiffs,

v.

SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,

Defendant.

Civil Action No.: CV- 3:06cv224-WKW

PLAINTIFFS' MOTION FOR EARLY COMMENCEMENT OF DISCOVERY

COME NOW the Plaintiffs in this action pursuant to Local Discovery Guideline I(F) and hereby move this Court for permission to commence discovery before a scheduling order has been entered and before a Rule 26 planning meeting has been conducted. The Plaintiffs incorporate their Complaint for Injunctive and Declaratory Relief and Application for a Preliminary Injunction and Expedited Hearing as if fully set forth herein. As grounds for this Motion, the Plaintiffs state the following:

1. The Plaintiffs have filed a Complaint for Injunctive Relief and an Application for Preliminary Injunction and Expedited Hearing contemporaneously with this Motion.
2. To fully present these claims to the Court on hearing for a preliminary injunction, early discovery is needed, particularly the claims that there is no rational basis for the Defendant Sheriff's First and Second Amended Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County.
3. The Plaintiffs seek the following forms of discovery:

a. Deposition of the Defendant Sheriff David M. Warren

b. Requests for Admissions from the Defendant Sheriff

c. Requests for Production of Documents from the Defendant Sheriff

WHEREFORE, premises considered, the Plaintiffs respectfully request that this Court allow them to conduct the above-referenced discovery in this case prior to the issuance of a scheduling order and a Rule 26 planning meeting.

Respectfully Submitted,

KENNETH L. THOMAS (THO 043)
RAMADANAH M. SALAAM (SAL 026)

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following by hand delivery and/or by placing a copy of same in the United States mail, postage prepaid and properly addressed this the 9th day of February, 2006:

Sheriff David Warren
Sheriff of Macon County Alabama
246 County Road 10
Tuskegee, Alabama 36083

OF COUNSEL